

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

TERRANCE TAYLOR)	Case No. 3:20 cv 1481
)	
Petitioner,)	JUDGE DAN AARON POLSTER
)	
v.)	
)	
ED SHELTON, WARDEN)	<u>ORDER</u>
)	
Respondent.)	
)	

Before the Court is Report and Recommendation of Magistrate Judge Thomas M. Parker.

(“R&R”) [ECF Doc. 10](#). The R&R recommends that the Court grant Warden Shelton’s motion to transfer Taylor’s petition for writ of habeas corpus to the Sixth Circuit Court of Appeals for a determination of whether he should be permitted to file a second or successive petition. [ECF Doc. 7](#).

The R&R was filed on January 12, 2021. To date, no objections to the R&R have been filed.

[28 U.S.C. § 636\(b\)\(1\)](#) provides:

Within fourteen days after being served with a copy, any party may serve and file written objections to such proposed findings and recommendations as provided by the rules of court. A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendation to which objection is made.

The failure to timely file written objections to a magistrate’s R&R constitutes a waiver of the right to obtain a *de novo* review of the R&R in the district court. *United States v. Walters*, [638 F.2d 947, 949–50](#) (6th Cir. 1981); *Thomas v. Arn*, [474 U.S. 140, 149–50](#) (1985). The failure to file

written objections also results in a waiver of the right to appeal. *Thomas v. Arn*, 728 F.2d 813 (6th Cir. 1984), *aff'd*, 474 U.S. 140 (1985).

Here, the time for objection has passed and no objections have been filed. The Court has reviewed the magistrate's R & R and agrees that Warden Shelton's motion to transfer Taylor's petition ([ECF Doc. 7](#)) should be granted. Accordingly, the Court ADOPTS the R & R ([ECF Doc. 10](#)) in full, transfers this case to the Sixth Circuit Court of Appeal for a determination pursuant to 28 U.S.C. § 2244(b)(3)(A), and closes the case pursuant to said transfer.

IT IS SO ORDERED.

Dated: February 1, 2021

s/Dan Aaron Polster
United States District Judge